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5 Attorneys for Petitioners,
MATTHEW DANIEL VINES and JOHN
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9
10 **UNITED STATES BANKRUPTCY COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**
12

13 In re

14 SAM ALEXANDER MITCHELL,
15

16 Debtor in Foreign Proceeding.
17
18
19
20

Case No.

Chapter 15

**DECLARATION/STATEMENT OF
FOREIGN REPRESENTATIVE
MATTHEW DANIEL VINES AS
REQUIRED BY 11 U.S.C. § 1515
FOR RECOGNITION OF A
FOREIGN MAIN PROCEEDING**

1 I, Matthew Daniel Vines, declare as follows:

2 1. I am a partner in the Insolvency & Business Recovery Services
3 department at the firm of Hall Chadwick, a chartered accounting firm based in
4 Australia. I currently head the Personal Insolvency Division at Hall Chadwick's
5 Perth office. My qualifications include the following:

- 6 • Registered Trustee in Bankruptcy
- 7 • Association of Chartered Certified Accountants (ACCA)
- 8 • Member of the Australian Restructuring, Insolvency & Turnaround
9 Association (ARITA) and awarded with the ARITA Advanced Certificate
10 of Insolvency
- 11 • Chartered Accountants Australia & New Zealand
- 12 • Certificate of Proficiency in Insolvency (United Kingdom)

13 2. I have personal knowledge of the facts stated herein and, if called as a
14 witness, I could and would competently testify thereto.

15 3. Sam Alexander Mitchell (the "Debtor") filed a voluntary bankruptcy
16 petition with the Australian Financial Security Authority ("AFSA") on September
17 17, 2024. On September 19, 2024, John Gervase Shanahan and I were appointed
18 Joint and Several Trustees for the Mitchell bankruptcy estate (the "Bankruptcy
19 Estate"). A true and correct copy of the September 19, 2024 Certificate of
20 Appointment is attached hereto as Exhibit A.

21 4. The AFSA is charged with managing the application of the Bankruptcy
22 Act 1966 (the "Act") and the Bankruptcy Estate Charges Act 1966 through oversight
23 of Australia's personal insolvency framework, including provision of Official
24 Trustee, registry and information services. In my capacity as a Joint and Several
25 Trustee, I serve as an officer of the Australian court.

26 5. Mr. Mitchell was a guarantor of debts payable by his related entities
27 that were engaged in property and livestock business, Wonga Ag Hold Co Pty Ltd
28 and Mitchell River Hold Co Pty Ltd to a lender, ADM Capital Investments Pte. Ltd.

1 (“ADM”). As a result of default by the related entities on the finance facilities,
2 ADM commenced a recovery action against Mr. Mitchell in the Supreme Court of
3 New South Wales and obtained a judgment (the “ADM Judgment”) on August 16,
4 2024 for a sum of US\$36,194,864.39. A true and correct copy of the ADM
5 Judgment is attached hereto as Exhibit B.

6 6. On or around July 30, 2024, Mr. Mitchell’s solicitor contacted me to
7 discuss Mr. Mitchell’s financial affairs and my potential appointment as Trustee of
8 the Bankruptcy Estate. Between July 30, 2024 and September 18, 2024, I and my
9 staff had several communications with Mr. Mitchell and his solicitors with respect to
10 Mr. Mitchell’s affairs and the documents required to be completed and filed with the
11 regulatory body, the AFSA, to voluntarily declare himself bankrupt.

12 7. Pursuant to subsection 41(2) of the Act, a Bankruptcy Notice was
13 issued on August 29, 2024 giving Mr. Mitchell twenty-one (21) days to either pay
14 the debt or make arrangements with ADM to settle the debt. A true and correct copy
15 of the August 29, 2024 Bankruptcy Notice is attached hereto as Exhibit C.

16 8. Mr. Mitchell commenced a voluntary bankruptcy by filing his Debtor’s
17 Petition and Statement of Affairs with AFSA on September 17, 2024 and those
18 documents were accepted on September 19, 2024 (the “Australian Bankruptcy”). A
19 true and correct copy of Debtor’s Petition and Statement of Affairs filed by Mr.
20 Mitchell with AFSA on September 17, 2024 is attached hereto as Exhibit D.

21 9. Mr. Shanahan and I were appointed as Joint and Several Trustees on
22 that same date. The cause of bankruptcy was listed as the Debtor’s inability to
23 comply with the Bankruptcy Notice issued on him.

24 10. Under section 19 of the Act, the duties of a trustee include the
25 following:

- 26 a. Notifying the bankrupt's creditors of the bankruptcy;
- 27 b. Determining whether the estate includes property that can be
- 28 realised to pay a dividend to creditors;

1 c. Reporting to creditors within 3 months of the date of the
2 bankruptcy on the likelihood of creditors receiving a dividend before the end of the
3 bankruptcy;

4 d. Determining whether the bankrupt has made a transfer of
5 property that is void against the trustee;

6 e. Taking appropriate steps to recover property for the benefit of the
7 estate;

8 f. Taking whatever action is practicable to try to ensure that the
9 bankrupt discharges all of the bankrupt's duties under the Act;

10 g. Considering whether the bankrupt has committed an offence
11 against the Act;

12 h. Referring to the Inspector-General or to relevant law
13 enforcement authorities any evidence of an offence by the bankrupt against the Act;

14 i. Administering the estate as efficiently as possible by avoiding
15 unnecessary expense; and

16 j. Exercising powers and performing functions in a commercially
17 sound way.

18 11. Administration of the Bankruptcy Estate includes a claims process,
19 where creditors submit claims against the Bankruptcy Estate. Attached hereto as
20 Exhibit E is a true and correct copy of the register of claims asserted against the
21 Mitchell Bankruptcy Estate as of April 10, 2025. Creditors of Mr. Mitchell's
22 Bankruptcy Estate will receive dividends (distributions) according to statutory
23 priorities and subject to the availability of assets to fund the dividends.

24 12. My investigation of Mr. Mitchell's assets in Australia shows the
25 following real properties are currently registered in his name: (a) 1136 Upper
26 Macdonald Road, Upper Macdonald, NSW 2775; (b) 170 Kandeer Road, Upper
27 Macdonald, NSW 2775.; and (c) Unit 100/3 Gladstone Street, Newtown, NSW
28 2042.

1 13. I have also identified properties previously owned by Mr. Mitchell in
2 Australia: (a) 29 Australia Street, Camperdown, NSW 2050; (b) 27 Prospect Street,
3 Paddington, NSW 2021; and (c) 39 Kandeer Road, Upper Macdonald, NSW 2775.

4 14. Also as part of my investigation of assets that might be recovered for
5 the Mitchell bankruptcy estate, I reviewed the real property records of the San Diego
6 County Assessor/Recorder/County Clerk (“ARCC”) for the residential property
7 located at 1522 Copa de Oro, La Jolla, California 92037 (the “La Jolla Residence”).
8 Attached hereto as Exhibit F is a true and correct copy of a Transaction History
9 Report for the La Jolla Residence which I obtained through the ARCC’s website
10 ([https://www.sdarcc.gov/content/arcc/home/divisions/assessor/parcel-quest-](https://www.sdarcc.gov/content/arcc/home/divisions/assessor/parcel-quest-disclaimer.html)
11 [disclaimer.html](https://www.sdarcc.gov/content/arcc/home/divisions/assessor/parcel-quest-disclaimer.html)) on February 20, 2025. The report shows that Mr. Mitchell owned
12 the La Jolla Residence from May 4, 2021 until July 5, 2024, when he transferred the
13 property into a trust entitled 1522 Copa de Oro Dr Living Trust. The records further
14 show that on November 5, 2024, an assignment was recorded showing Citibank, NA
15 as lender and Sam Mitchell as borrower.

16 15. Through my investigation of the Bankruptcy Estate, I obtained a copy
17 of a July 26, 2023 utility bill from San Diego Gas & Electric for service at the La
18 Jolla Residence. A true and correct copy of the utility bill is attached hereto as
19 Exhibit G. The utility bill is addressed to “Sam Mitchell” at the La Jolla Residence.

20 16. Through my investigation I have also discovered that Mr. Mitchell
21 maintains bank accounts at San Diego branches of Citibank, both in his own name
22 and in the name of Wealthcheck, LLC, a limited liability company owned and
23 controlled by Mr. Mitchell. I have not included the routing numbers and account
24 numbers for these accounts as I understand United States privacy laws protect that
25 information, but I can provide the information if the Court requests.

26 17. It is my belief that the Australian Bankruptcy Proceeding is the only
27 non-ancillary foreign proceeding with respect to Mr. Mitchell.
28

19. The existence of the Australian Proceeding and my appointment are verified by the documents attached at Exhibits A and D, as noted above.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DocuSigned by:

Matthew Vines

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